

### **REMARKS / ARGUMENTS**

Claims 74 and 78-82 are pending in the present application. Of these, claims 74 and 82 are independent.

Claims 74 and 78-81 were rejected as being indefinite. Applicant appreciates the Examiner's suggestion and has adopted the suggestion.

Claims 74, 78 and 79 were rejected as being unpatentable over Acker et al. in view of the teaching of Sherman et al. Claims 80 and 81 were rejected as being unpatentable over Acker et al. and Sherman et al. as applied to claims 74, 78 and 79 above, and further in view of the teaching of Marcus et al.

Claims 74 and 78-81 were provisionally rejected as being unpatentable over the pending claims of copending Application No. 10/255,134. A terminal disclaimer is submitted herewith to overcome this rejection.

### **Discussion**

Applicant submits that amended independent claim 74 is allowable over the Acker in view of Sherman (cited art) since the cited art does not disclose or suggest the combination of features recited with the additional provision that the control system changes the frequency to a second frequency "which is a predetermined frequency different than the first frequency." As noted by Applicant and the Examiner, Sherman teaches to vary the frequency to arrive at an optimum frequency in response to changes in the resonance characteristics of the transducer. Claim 74 recites that the control system of the present invention changes the frequency to a "predetermined frequency" rather than a frequency which is calculated based upon the current conditions of the transducer rather than being a predetermined frequency as claimed.

Dependent claims 78-81 are allowable since they depend from allowable independent claim 74 and because they recite independently patentable features.

**CONCLUSION**

Applicant submits that all claims are now in condition for allowance and an action to that end is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-412-3322.

Respectfully submitted,

September 9, 2004  
Date



Jens E. Hoekendijk  
Reg. No. 37,149

Jens E. Hoekendijk  
P.O. Box 4787  
Burlingame, CA 94011-4787  
Tel.: 415-412-3322  
Fax: 650-871-7688